

# THE KENTUCKY GAZETTE.

[No. 689.]

THURSDAY, DECEMBER 5, 1799.

[VOL. XIII.]

LEXINGTON.—PRINTED BY JOHN BRADFORD, (On Main Street)—PRICE FIFTEEN SHILLINGS PER ANNUM.

## TO THE PUBLIC.

FROM and after the 1st day of January 1800, the KENTUCKY GAZETTE will be published (on the same fixed paper it is at present) at two dollars per annum, paid in advance.

Those subscribers who have complied with the former terms, will be continued to the end of their respective years; or if they choose, may settle their respective accounts up to the 1st day of January next, and be continued on the present terms; and as the accounts of most of the present subscribers are to be settled to the first of January, no subscriber will be continued after that date, who has not complied with the former terms, and whose year will not then expire, or who does not by that time comply with the present terms.

As the price of this paper will be as low as any paper of the same size, printed in the Atlantic states, where the price of every article used in the printing buildings, is little more than half the price paid for the same articles here, a rigid adherence to the above rules cannot afford reasonable cause of offence, to any; especially when they consider that every article used in the printing business is paid for a considerable time before it is used, and that it can only be procured with cash; consequently those who receive the same papers a considerable time without paying anything for them, receives not only our labor, but the use of our money, laid out in the purchase of the materials, without returning an equivalent, which no rational considerate man can desire.

Should these terms give offence to a single individual, (which I solemnly declare is not intended) I only request the favor of him to make my case his own, for a few moments, and I flatter myself he will be reconciled.

The public's obedient servant,  
JOHN BRADFORD.  
Lexington, Nov. 14, 1799.

## To Distillers.

WHEREAS, the 5th section of the act of Congress passed at Philadelphia the 3d of March, 1797, entitled "An act for establishing a national bank," directs "that no new itself shall be granted for any bill, until all debts, which have accrued thereon, shall have been paid and discharged; and that no new itself, or payment of old debts, in a circular letter addressed to the collectors of said districts, bearing 26th February last, gave positive instructions that after the 32d of June, 1799, the injunction quoted above should be strictly and literally attended to:—I have therefore thought it advisable to give this notice, and to inform, underwriters, that no new itself, or payment of old debts, which have accrued on their bills, before they make application for a new or second itself.—Those distillers who are in arrears for debts which accrued previous to June, 1798, are hereby informed, that after the expiration of the present month, bills will be instituted against them without distinction.

JOHN ARTHUR, Col. Rev.  
September 3d, 1799.

**T**HE subscriber will receive cloth to be filled at the following place viz. at Mr. McCullough's store in Lexington, on the first day of every Fayette court; at Mr. Lemon's tavern in Georgetown, on the first day of every Fayette court; and at Mr. Pugh's board in Vicksburg, on the first day of every Fayette court; and will receive it on the first day of every Fayette court, after receiving it, at the respective places where received, filled and dressed in the manner directed.

Wm. Scott, fuller.

November 13th, 1799.

**T**HE WAY TO GET MONEY.

TRYED from Lexington about the 16th of October, 1799, for a Plundering in the neighborhood of Lexington, A PLAN CATION, containing Five Hundred Acres of First Rate

L A N D,

SITUATE on the bank of the Ohio river, in Boone county, and state of Kentucky, fourteen miles below Cincinnati—there are on said plantation, a house, 29 x 23 feet, with two rooms over, also a new barn, with two chimneys, 24 x 16 feet, suitable for a tenant, with all the necessary out-houses; about 55 acres of cleared land, under good fence, twenty-three acres of which is now in small grain, 12 acres excellent pasture, and seven acres of woodland, all well fenced, laid with red clover—there is one large apple-tree; two springs of excellent water, with an indifinite title. Said plantation is bounded on the north by Mr. John Craig, and on the other by Mr. John Buell. For terms, apply to

William Morton,

in Lexington.

NOTE.—There is two grift, and one saw-mill, within the distance of two miles.

28 Treasury Department, March 11th, 1799.

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the act of congress passed on the 1<sup>st</sup> tit day of June, one thousand even hundred and ninety six, entitled "an act regulating the grants of land appropriated for military services, and for the payment of debts due to the United States, and for making and providing for the execution of the same;" and the act supplementary to the said revised act, passed on the 2d day of March, one thousand even hundred and ninety-nine, to wit:

1. That the tract of land hereinbefore described, situated, & beginning at the mouth of a certain creek, running into the Kentucky river, for seven miles due south, from the western boundary of the said range; thence west to the Main branch of the Scioto river; thence up the Main branch of the said river to the place where the Indian boundary line crosses the same; thence along the said Indian boundary line, to the place where the Scioto river meets the Muskingum river; thence down the said river, to the point where a line run due west from the place of beginning, will intersect the said river; thence along the line so run to the place of beginning; it has been divided into four townships, and named, according to the parts of townships, and that plots and surveys of the said township and fractional parts of townships are to be made in the offices of the register of the treasury and surveyor general, for the inspection of all persons concerned.

2. That the persons hereinbefore described, or their heirs, & assigns, for military services, and customers, that he has rented a room on Main Street, up stairs, in the house where Mr. M. Tracy, & Son, formerly resided, to Mr. M. Tracy & Son, & Son, where he carries on his business. Those who will please to favor him with their customers, may depend on having their work done with dispatch, neatness and punctuality.

3. That the persons hereinbefore described, or their heirs, & assigns, for military services, and customers, that he has rented a room on Main Street, up stairs, in the house where Mr. M. Tracy, & Son, formerly resided, to Mr. M. Tracy & Son, & Son, where he carries on his business. Those who will please to favor him with their customers, may depend on having their work done with dispatch, neatness and punctuality.

4. That the holders of registered warrants shall no Monday the 17th day of February, in the year 1800, in the order in which the priority of location shall be determined by the register of the treasury, or by their agents, designated in writing at the office of the register of the treasury, or by their agents, or by their heirs, & assigns, shall not designate their locations on the said day, shall not postpone in locating such warrants to all other holders of registered warrants.

5. That the holders of warrants for military services sufficient to cover one or more quarter townships or tracts of 4000 acres, or less, shall, on the 1<sup>st</sup> day of February, 1800, be allowed to resell the said warrants to the dealers in mazaterra oil, and sawmills to make locations thereon for any tract or tracts of land not before located.

6. All warrant-holders holding for lands on account of military services, which shall not be registered and located before the 1<sup>st</sup> day of Jan. 1802, are by the supplementary act of congress herein before recited, passed on the 2<sup>nd</sup> day of March 1799, declared to be forever barred.

Given under the hand of Philadelphia, the day and year above mentioned.

OLIVER WOLCOTT  
Secretary of the Treasury.

26 For Sale.

FIVE HUNDRED acres of land on

B A T H, the waters of slate, or Lubugud, in Clarke county.

28 of 205 acres near the above.

Given under the hand of Oliver Wolcott, Secretary of the Treasury.

26 Samuel M'Dowell.

April 9th, 1799.

MERCER COUNTY, &c.

September court of quarter sessions, 1799.

David Sutton, complainant,

against

John Steen, defendant,

In CHANCERY.

ON the motion of the complainant by his attorney, and it appearing to the court that the defendant is no inhabitant of this state, it is ordered, that the defendant do appear here on the 1<sup>st</sup> day of October, 1800, and show cause why he still holds the same, and if a copy of this order be published at the Court House, one pointed up at the front door of this court-house, and one to be inserted eight weeks in one of the Kentucky Gazettes as the law directs.

A copy, teles,

St. 6<sup>th</sup> Tho. Allin, c. c.

TO THE PUBLIC.

AS some of the friends of education have seen fit to offer a premium for the best schoolmaster, I am induced to offer a similar one to the best teacher.

I find it necessary to inform the public, that

the premium will be paid to the person who

will teach the best school, and not to the person

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LONDON September 9.

SOMETHING A'IN TO THE FLEETS.

Our letters from Plymouth by yesterday's post relate the arrival of the Sylph, ship of war at that port, with an account of the Spanish squadron, which had been so long in the harbor of Rochefort, having sailed from thence, with fifteen vessels laden with naval stores, and provisions for the combined fleets at Brest. With a view to avoid our cruisers they attempt to go through the passage of the Raz, which the men of war, five in number, finding somewhat difficult, they abandoned the project, and put into a bay to the southward of that place. The transports however, perished in the attempt, of which captain Kentes, of the Broadside being soon apprised, he proceeded immediately with a small squadron of frigates in pursuit of them, and fortunately succeeded in capturing the whole sixteen. This desirable object being accomplished, captain Keats lost no time in giving information to lord Bridport, who was then off Ushant with the channel fleet, of the situation of the enemy's ships of war, in consequence of which his lordship with the utmost promptitude, dispatched several lines of battle ships, under the orders of rear admiral J. B. Warren, with instructions to attack them in the bay; and great hopes are entertained of the speedy surrender of the whole of the Spanish ships.

NEW-YORK, November 8.

By the Wyanwaa from Bombay, we have received the Bombay Courier to the 15th June, which contains the important intelligence of the taking of Serinapatanam by storm by the English—in which Tippoo Saib was killed—his wife famously taken prisoners, and his immense treasures taken.

BOMBAY, June 4.

COURIER EXTRAORDINARY.

June 4.

The arrival of the Medras post this morning has enabled us to lay the following most interesting detail before the public, which we have copied from the Madras Gazette extraordinary of the 15th ult. The orders of the right honorable the governor general, containing his lordship's sentiments on the merits of the army, and the importance of their conquest, place both in so just and so conspicuous a point of view, that no comment of ours can add to the lustre of either:

The following copy of a letter from lieut. gen. Harris, to the right hon. the governor general dated Serinapatanam, 7th May 1799, is published by his lordship's authority.

J. WEBBE, sec. to gov.

My LORD,

On the 4th inst. I had the honor to address to your lordship a hasty note, containing in a few words the sum of the facts, which I have now to report more in detail.

The fire of our batteries, which began to batter in breach on the 30th, April, had, on the 3d inst., so much destroyed the walls, against which it was directed, that the arrangement was then made, for assaulting the place on the following day, when the breach was reported practicable. The troops intended to be employed were stationed in the trenches, early in the morning of the 4th, that no extraordinary movements might lead the enemy to expect the assault, which I had determined to make in the heat of the day, as the time best calculated to ensure success, as their troops would then be least prepared to oppose.

Ten flank companies of Europeans, taken from those regiments, necessarily left to guard our camp and out posts, followed by the 12th, 83d, 73d, and 74th regiments, and three corps of grenadier sepoys taken from the troops of the three presidencies, with 200 of his highness the Nizam's troops formed the party for the assault, accompanied by 100 of the artillery, and corps of pioneers, and supported in the trenches by the battalion companies of the regiment De Meuron, and four battalions of Madras sepoys. Colonel Sherbrook, and Lieutenant colonels Dunlop, Dalrymple, Gardner, and Nignan, commanded the several flank companies, and major general Baird, was entrusted with the direction of this important service.

At one o'clock the troops moved from the trenches, crossed the rocky bed, of the Cavery under an extremely heavy fire, passed the glacis and ditch, and ascended the breach, in the face brave and rampart of the port, mounting in a gallant manner every obstacle which the difficulty of the passage and the resistance of the enemy presented to oppose their progress. Major-general Baird had divided his force for the purpose of clearing the ramparts to the right and left. One division was commanded by col. Sheerbrook, the other

by lieut. col. Dunlop, the latter was disabled in the breach, but both corps, although strongly opposed, were completely successful. Resistance continued to be made from the palace of Tippoo for some time, after all firing had ceased from the works; two of his sons were there, who on assurance of safety surrendered to the troops surrounding them; and guards were placed for the protection of the family, most of whom were in the palace. It was soon after reported that Tippoo Sultan had fallen. Syed Schob, Meher Saadu, Syed Gofar, and many other of his chiefs were also slain. Measures were immediately adopted to stop the confusion at first unavoidable, in a city strongly garrisoned, crowded by inhabitants, and their property in ruins from the fire of a numerous artillery, and taken by assault.

It appeared to major gen. Baird to important to ascertain the fate of the sultan, that he caused immediate search to be made for his body, which, after much difficulty, was found late in the evening in one of the gates under a heap of slain, and soon after placed in the palace. The corpse was the next day recognized by the family, and interred with the honors due to his rank, in the mausoleum of his father.

The strength of the fort is such, both from its natural position and the stupendous works, by which it is surrounded, that all the exertions of the brave troops who attacked it, in whose praise it is impossible to say too much—were required to place it in our hands. Of the merits of the army, I have expressed my opinion in orders, a copy of which I have the honor to inclose; and I trust your lordship will point out their services to the favourable notice of their king and country.

I am sorry to add, that on collecting the returns of our loss, it is found to be much heavier than I had at first imagined.

On the 5th inst. Abdul Khalic, the elder of the princes, formerly hostages with lord Cornwallis, surrendered himself at our out posts, demanding our protection. Kerim Sehah, the brother of Tippoo had before sought refuge with Meer Alum Behader. A cow namah was yesterday dispatched to Fultek Hyder, the eldest son of Tippoo inviting him to join his brothers. Putneah and Meer Kummer o deen Khan, have also been summoned to Serinapatanam: no answers have been received, but I expect them shortly, as their families are in the fort.

This moment Ali Reza, formerly one of the voilets from Tippoo fulton to lord Cornwallis, has arrived from Meer Kummer o deen Kahn, to ask my orders for 4000 horse, now under his command. Ali Reza was commissioned to declare, that Meer Kummer o deen would make no conditions, but rely on the generosity of the English.

Monteur Chapuy, and most of the French are prisoners; they have committed from the French government.

I have the honor, &c.

(Signed)

GEO. HARRIS.

Return of killed, wounded and missing.  
Europeans killed, 70.  
Ditto wounded, 263.  
Ditto missing, 4.  
Natives killed, 13.  
Ditto wounded, 34.  
Ditto missing, 2.

We have the pleasure to add, that a private letter received also by this day's post, mentions that subsequent intelligence had arrived at that presidency, that Kummer o deen Khan had surrendered himself at Serinapatanam, with the 4000 horse under his command.

November 12.

The following important information was received yesterday, by a commercial house in this city, from their correspondent at New Orleans:

"NEW ORLEANS, Sept. 25, 1799.

"We inform you with regret, that the dispatches from Spain arrived here since 8 days, bringing an order from the king to stop the entry of all neutral vessels in the Mississippi. This order extends likewise to the Americans, who will not be permitted to dispose of their cargoes in the city; but will enjoy the privilege of depositing them, to be taken to their polleitons up the river, as is agreed by the treaty between Spain and the United States. Our intendent has already put his order in execution, but the merchants and planters knowing the evils which would attend it, have joined to make a representation to government, in order that we may be allowed the same privileges we have enjoyed heretofore; and as we expect the protection of our superiors, we are almost convinced they will favour our request. However, we beg you will not ship any thing to this city until you receive more positive advice from us, so that you may not experience any disappointment in your operation; and rest assured we shall always inform you exactly on this subject. We remain, with friendship,

Your obliged humble servants  
LITTLE, SARPY, COLSON, & Co."

PORTSMOUTH, October 31.

FRANCE INTRIGUE.

We are credibly informed that the ship Mohawk, belonging to Mr. Cutts, of the district of Maine, has been taken by a French privateer schooner, by means of a frigate used by the French cruiser—the Mohawk mounted 20 nine pounders and the privateer only 12 four pounders. The Frenchman knowing well his inferiority in point of force, thought it unsafe to hazard a battle, hoisted American colours, and run along side, and speaking English, told the captain of the Mohawk he was a United States vessel of war, and pointing to several vessels then in sight said they belonged to his convoy, which afterwards proved to be his prizes. Finally, after many professions of friendship, asked for a supply of provisions, if they could be spared without injuring the Mohawk, the captain of which immediately complied supposing it to be American—no sooner than this request was granted, the privateer ran immediately under the Mohawk's quarter, and the greatest part of her crew jumped on board and a prize was made of the ship and cargo valued at 25,000 dollars.

The strength of the fort is such, both from its natural position and the stupendous works, by which it is surrounded, that all the exertions of the brave troops who attacked it, in whose praise it is impossible to say too much—were required to place it in our hands. Of the merits of the army, I have expressed my opinion in orders, a copy of which I have the honor to inclose; and I trust your lordship will point out their services to the favourable notice of their king and country.

I am sorry to add, that on collecting the returns of our loss, it is found to be much heavier than I had at first imagined.

Last evening's mail brought no news of importance, we have only extracted the following:

BOSTON, November 4.

It is reported upon the authority of a gentleman lately from Halifax, that new orders have been issued, directing the British cruisers to detain and search all American vessels notwithstanding their convoys.

The envoys to the French Republic, failed from Newport on the 3d November.

PORTLAND, October 21.

Saturday last arrived ship Merchant, captain Webb, 48 days from London.—capt. Webb touched at Dover, where he saw an account which had been received from a major in the English expedition against Holland, mentioning that the second expedition had landed & been successful.

JOHN CLAY,  
HAS JUST RECEIVED AND NOW OPENING, A HANDSOME  
ASORTMENT OF  
MERCANDIZE,

In the house formerly occupied by Mr. Robert Bass, opposite Melf. Samuel and George Trotter, who have left low terms for Coffer or Country Produce, v. Thomas Henry and Good Clean Wheal, delivered at any of the market mills in this county or in Woodford. He will purchase BEES-WAX & TALLOW.

For which he will give one half Cad.  
tf Lexington, December 3d, 1799.

Will be sold to the Highest Bidder,

"FOR two years credit, on the 20th day of December, 1799, at the plantation of Mr. I now live, in Woodford, about three miles E. of Lexington, about twelve miles from Lexington, the following articles, v. 2.

# of Negroes, consisting of Men, Women and Children—likewise a large flock of Horses among them are very valuable High-Bred Brood Mares, also a flock of Cows & Hogs—Household articles, Furniture, Tools, and a number of other things too numerous to mention. The purchaser giving bond and approved security, if not punctually paid, to carry interest from the day of sale for all sums above five pounds; under that sum will be ready money.

Samuel Pryor.

November 3d, 1799.

FOR SALE,  
THE FOLLOWING TRACTS OF  
MILITARY LANDS:

The purchase to be paid in CASH, or before the first day of March next.

ONE Thousand acres lying in Hardin county, on Hardin creek, about one half mile below the Falls, 500 acres in the above county, on a branch of Hardin creek, and about one mile below the Falls; 500 acres in the above county, adjoining the foregoing tract of land. These three surveys were made in the name of John Lewis.

1000 acres on the Big River river, made in the name of John Wimbush, adjoining a tract of Col. Daibney's. I am induced to believe, from all the information I have been enabled to collect relative to the above lands, they are very valuable.

Cuth. Banks.

Lexington, Dec. 2d, 1799.

ROBERT FRAZER,  
CLOCK AND WATCH MAKER AND JEWELLER.

RESPECTFULLY inform his Friends, and the Public in general, that he has removed from Paris, Bourbon county, to this place, and has commenced business in Main street, opposite the district clerk's office, where the public may be supplied in the above lines. Any commands in Paris, will be attended to by his brother, Alex. Frazer.

Lexington, November 13, 1799.

N. B. The highest price for old Gold and Silver,

F O U N D .

On the Lehigh road about 2 miles from Lexington on the 26th ult. a pair of new faddles, & the owner may get them by applying to the subscriber, and paying charges.

Robert Patterson.

Lexington, December 24, 1799.

W H E R E A S there is a report in circu-

tion that I at the time of the Danville races lost 50 odd dollars of the public money, and my mare at gambling, I say it is a falsehood. I can prove it, and I will give 20 dollars to any person who will come forward and establish the truth.

John Barbison, jun.

Washington county, Dec. 24, 1799. \*22

TAKE UP by the subscriber, living in Green county, on Robeson's creek, a bright bay mare 8 or 9 years old, a small star in her forehead, and four white hairs down to her nostrils, some faded spots, a white spot on her shoulder, about 13 hands high, piebald, no brand perceptible, appears to have high paces.

Roger Mourning.

June 24th, 1799.

NOTICE.

A LL persons are hereby cautioned from taking an affignment on a bond given by me to John McKinny, of Bourbon county, for one hundred acres of land on Red river, to be taken out of William Jones's location of 3925 acres—the bond dated I think on the 5th day of April 1799; as I am determined not to comply with said bond, unless compelled by law.

William Denham.

December 4th.

To BE SOLD.

On the evening of the first day of January 1800, on the month credit, at the house belonging Mr. McCullough's store Lexington, a large assortment of M E R C H A N D I Z E ,

Confining of the following articles viz: Gauges, Ladies Hoops, and Billops, Morocco, and Satin Shoes, Buckles, and Watch Chains, Lamp Extinguishers, and a variety of other articles too tedious to mention. The sale to commence at 10 o'clock in the morning.

3W. A. H. Tp

WAR DEPARTMENT,

Trenton, September 2, 1799.

A LL officers of the fifth regt of artillerists and engineers, and of the first, second, third and fourth regiments of infantry in the service of the United States, absent from their commands, are required with all possible expedition to report themselves by letter, to major general Alexander Hamilton. The officers that call upon, will be held amenable for any avoidable delay in reporting themselves, and those who do not report in four months from the date of this notification, will be presumed to have resigned their commissions.

James M. Hersey.

The printers in the several cities who published the proposals for the supply of rations during the year 1800, are requested to insert the above week in their papers, till the first of January next.

James M. Hersey.

TAKE NOTICE,

THAT commissioners appointed by the court of Clarke county, are to meet at William Bullock's in said county, on the 16th day of December next, and to proceed from thence to the fourth corner of Thomas Gilf's survey on Stoner, in order to establish the fame as the beginning corner of George Caldwell's entry of 1000 acres made May 16th 1780 adjoining it.

Josias Bullock.

Nov. 20 1799.

NOTICE.

THIS is to forewarn all persons from taking an affignment, or purchasing an article of agreement between myself and William Gill, of Green county, for a tract of land, in Henry county, wherein I now live; or any bonds which I may have given him in consequence of said purchase; as I find the right of the land is not vested in him, and am determined to pay no money unless compelled by law.

Michael Herr.

November 8th, 1799.

WILLIAM WEST

R EQUESTS all those indebted to him to pay to their respective balances by the 1st of next month. He hopes this notice will be attended to, otherwise legal steps will be taken to obtain payment.

HE HAS FOR SALE, A VARIETY OF

MERCANDIZE;

Amongst which are, many of the most useful and necessary articles for the approaching season—which he will sell as cheap as any in this town, for Cash or such articles of country produce as may answer him.

tf Lexington, 7th Nov. 1799.

ALL Persons indebted to the late JAMES Nourse, deceased, are defined to make payment in Lexington, or during his attendance at the district court in East Fairford; and all those who have any demands against the estate, are requested to make them known in the setting of the said courts, as the whole business of the administration will devolve on him.

Sarah Nourse, administratrix,

James Hughes, administrator.

ALSO—All persons having claims on the estate for same times and places.

Sarah Nourse, } Guardians to the

James Hughes, } infant heirs.

Lexington, September 16, 1799. 13t

TAKE UP by the subscriber, living in Jessam's county, near caper. Anderson's a dark bay mare 13 years old this spring, fourteen and a half hands high, not branded, a small tail, appraised at £200.

John Aken.

February 25th, 1799.

N. B. The above mare, run off shortly after being appraised, and was not recovered again until lately, is the reason why it was not Gazetted sooner. J. A.

be made during the present session of Congress, the President of the United States shall be, and is hereby empowered to make such appointment during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 4. *And be it further enacted*, That the commissioners for each state shall immediately, or as soon as may be, after their appointment, convene in a general meeting, at such time and place, as shall be appointed and directed by the commissioner for each state, first named and qualified, according to this act; and a majority of the commissioners so convened, shall have power to adjourn to such time and place as they shall judge proper: and a majority of the commissioners to be appointed in each state, according to this act, when convened according to rules to be adopted at their first meeting, shall, and are hereby declared to be a board competent to transact and discharge any business or duties enjoined by this act.

Sec. 5. *And be it further enacted*, That the said commissioners, when convened as aforesaid, shall and may appoint a suitable person to be their clerk, who shall hold his office at the pleasure of the said commissioners; whose duty it shall be to record and preserve all rules, proceedings and documents of the said commissioners, and who shall take an oath or affirmation diligently and faithfully to discharge his trust; which oath or affirmation, either of the said commissioners, is hereby authorized to administer; and in default of taking such oath or affirmation, previous to entering on the duties of the said appointment, or on failure to record diligently and truly, all or any rules or proceedings of the said commissioners, or to furnish transcripts or copies thereof, when directed by the said commissioners, or required by the Secretary of the Treasury, in writing, such clerk shall be discharged from office, and shall forfeit and pay one hundred dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction.

Sec. 6. *And be it further enacted*, That it shall be the duty of the said commissioners, to cause to be recorded and noted, the names of such of the said commissioners as shall attend any general meeting, as also the periods of their attendance respectively; and if any commissioner shall fail to attend such general meeting, and shall not transmit or cause to be transmitted to the said commissioners, at their said meeting, or that next subsequently holden, an excuse for such absence, which shall by a majority of the commissioners then present, be accepted as satisfactory and reasonable, such commissioner so failing, as aforesaid, shall, for every day which he may be absent, during such meeting, forfeit and pay ten dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction; or to be deducted from the compensation as hereafter established for the said commissioner; and a transcript from the records of the said commissioners, certified by their clerk, by which it shall appear that any commissioner has failed to attend a general meeting, and to transmit, or cause to be transmitted, an excuse, which shall have been accepted as satisfactory and reasonable, as aforesaid, shall and the same is hereby declared to be conclusive and legal evidence that the penalty aforesaid has been incurred.

Sec. 7. *And be it further enacted*, That the commissioners for each state, convened as aforesaid, shall be, and hereby are authorised and empowered to divide their respective states into a suitable and convenient number of assessment districts, within each of which they shall appoint one respectable freeholder to be principal assessor, and such number of respectable free-

holders to be assistant assessors, as they shall judge necessary for carrying this act into effect: *Provided*, That the Secretary of the Treasury shall be, and hereby is authorized to reduce the number of assessment districts in any state, or the number of assistant assessors in any district, if either shall appear to him to be too great: and each assessor, so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe before some competent magistrate, or some commissioner to be appointed by virtue of this act, the following oath or affirmation, *to wit*, "I, A. B. do swear or affirm, that I will, to the best of my knowledge, skill and judgement, diligently and faithfully execute the office and duties of assessor for *(Naming the assessment district)* without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor:" and a certificate of such oath or affirmation shall be delivered to the commissioner of the district for which such assessor shall have been appointed; and every assessor, acting in his said office, without having taken the said oath or affirmation, shall forfeit and pay for the use of the United States, one hundred dollars, to be recovered with costs of suit, in any court having competent jurisdiction.

Sec. 8 *And be it further enacted*, That the commissioners for each state, convened, as aforesaid, shall be, and hereby are authorized and required to establish all such regulations, as to them, or a majority of them, shall appear suitable and necessary, for carrying this act into effect; which regulations shall be binding on each commissioner and assessor, in the performance of the duties enjoined by, or under this act; and also to frame instructions for the said assessors, informing them, and each of them, of the duties to be by them respectively performed under this act: Pursuant to which regulations and instructions, the said commissioners shall, jointly or severally, direct and cause the said assessors, and each of them, to enquire after and concerning all lands, dwelling houses and slaves in their respective assessment districts, by reference to any records or documents, and to any lists of assessment taken under the laws of their respective states, and by all other lawful ways and means; and to value and enumerate the said dwelling houses, lands and slaves in the manner following, *to wit*: Every dwelling house above the value of one hundred dollars, with the out houses thereto appurtenant, and the lot on which such dwelling house and out houses are erected, not exceeding two acres, in any case, shall be valued at the rate such dwelling house with the lot and appurtenances aforesaid, are worth in money with a due regard to situation. All lands and town lots, except lots on which dwelling houses above the value of one hundred dollars, with their appurtenances, are erected as aforesaid, shall be valued by the quantity, either in acres, or square feet, as the case may be, at the average rate which each separate and entire tract or lot is worth in money, in a due relation to other lands and lots, and with reference to all advantages, either of soil or situation, and to all buildings and other improvements of whatever kind, except dwelling houses above the value of one hundred dollars, and the out houses appurtenant thereto. And all slaves, whether negroes mulattoes or mestizoes, above the age of twelve, and under the age of fifty years, shall be enumerated in the assessment district in which they may, respectively, be kept or employd, at the time of the enumeration, except such as from fixed infirmity, or bodily disability, may be incapable of labor: *Provided*, That all property, of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States, or any state, or permanently exempted from

Sec. 12. *And be it further enacted,* That the lists aforesaid shall be taken with reference to the first day of October next; and the commissioners aforesaid shall prescribe a time to the assessors of assessment districts, within which time the said lists shall be taken and delivered to the principal assessor, to be named for that purpose, in each assessment district; which time shall not be more than thirty days from the time of receiving their precepts or warrants. And all lists of property, taken with reference to any other assessment district, than that in which the owner or possessor resides, shall be immediately transmitted to the commissioner superintending the district, and from him to the principal assessor of the district within which such property is situated.

Sec. 13. *And be it further enacted,* That in case any person shall be absent from his place of residence, at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within ten days from the date of such note or memorandum.

Sec. 14. *And be it further enacted,* That if any person, on being required or notified as aforesaid, shall refuse or neglect to give such list or lists as aforesaid, within the time required by this act, it shall be the duty of the assessors for the assessment district, within which such person shall reside, of some two or more of them, and they or some two or more of them, are hereby authorized and required, to enter into and upon the lands, dwelling houses and premises of such person so neglecting or refusing, and to make, according to the best information which they can obtain, and on their own view, such list or lists of the lands, dwelling houses and slaves of such person, as are required by this act; which lists, so made and subscribed, by such assessors, shall be taken and reputed as good and sufficient lists of the lands dwelling houses and slaves of such person, under, and for the purposes of this act: And the person so failing or neglecting, unless in case of sickness, or absence from home, for the whole period from the leaving of such notification, to the expiration of the said ten days, shall, moreover, forfeit and pay the sum of one hundred dollars, to be recovered, with costs of suit, in any court having competent jurisdiction; one moiety to the use of the assessors for the assessment district, in which such person shall reside, and the other moiety to the use of the United States.

Sec. 15. *And be it further enacted,* That whenever there shall be, in any assessment district, any dwelling houses, lands or slaves, not owned or possessed by any person or persons within such district, and no list of which shall be transmitted to the principal assessor of such district, in the manner provided by this act, it shall be the duty of the assessors for such district or some one or more of them, and they, or some one or more of them, are hereby authorized and required to enter into and upon all such dwelling houses, lands and lots, and to make lists of the same respectively, after the form prescribed by this act, and also to make lists of all slaves as aforesaid; which lists, being subscribed by the said assessor, or assessors, shall be taken and reputed as good and sufficient lists of such lands, dwelling houses and slaves, under and for the purposes of this act.

Sec. 16. *And be it further enacted,* That the assessors, after collecting the said lists of lands, dwelling houses and slaves, shall proceed to value and assess the same, in a just proportion, according to this act, and shall arrange and class the said lands, dwelling houses and slaves, in three general lists; the first of which lists shall exhibit, in alphabetical order, the names of all

proprietors and possessors, where known, of lots and tracts of land in such assessment district, with the quantity and valuation of each lot and tract, and the whole valuation of the lands belonging to or possessed by any one person; the second list shall exhibit, in alphabetical order, the names of all proprietors and possessors of dwelling houses above the value of one hundred dollars, with the description and valuation of each dwelling house, and the appurtenances, and the quantity of land valued therewith, according to this act; and the third list shall exhibit, in alphabetical order, the names of all persons owning, possessing, or having the care of any slaves, with the number of slaves, as aforesaid, owned by or under the care of each person: and the forms of the said lists shall be devised and prescribed by the department of the Treasury,

Sec. 17. *And be it further enacted*, That if any assessor, shall fail to perform any duty assigned by this act, within the time prescribed in his precept, warrant or other legal instructions, not being prevented therefrom by sickness, or other unavoidable accident, every such assessor shall be discharged from office, and shall moreover forfeit and pay two hundred dollars, to be recovered for the use of the United States, in any court having competent jurisdiction, with costs of suit.

Sec. 18. *And be it further enacted*, That immediately after the valuations and enumerations shall have been completed, as aforesaid, the principal assessor in each assessment district, shall by written notifications, to be publicly posted up, in at least four of the most public places in such district, advertise all persons concerned, of the place where the said lists, valuations and enumerations may be seen and examined; and that during fifteen days after the publication of the notifications, as aforesaid, appeals will be received and determined by him, relative to any erroneous or excessive valuations or enumerations by the assessor.

Sec. 19. *And be it further enacted*, That it shall be the duty of the principal assessor, in each assessment district, during fifteen days after the date of public notification, to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received or taken, as aforesaid, to the inspection of any and all persons who shall apply for that purpose: And the said principal assessors are hereby authorized to receive, hear and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always*, That the question to be determined by the principal assessor, on an appeal respecting the valuation of any lands or dwelling houses, shall be, whether the valuation complained of, be, or be not, in a just relation or proportion to other valuations in the same assessment district.

Sec. 20. *And be it further enacted*, That all appeals to the principal assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter or thing, respecting which a decision is requested, and shall moreover, state the ground or principal of inequality or error complained of, by reference to some one or more valuations of lands or dwelling houses in the same assessment district; and in all cases to which reference may be made in any appeal, as aforesaid, the principal assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased, without a previous notice of at least five days to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling of the party, by such assessor as the principal assessor shall designate for that purpose.

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## AN ACT

*To provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States.*

Sec. 1. BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the purpose of making the valuations and enumerations herein after directed, there shall be and are hereby designated and established, the following divisions, to wit:

The state of New-Hampshire shall contain five divisions, as follow: The first division to consist of the county of Rockingham; the second division to consist of the county of Strafford; the third division to consist of the county of Hillsborough; the fourth division to consist of the county of Cheshire; and the fifth division to consist of the county of Grafton.

The state of Massachusetts, shall contain nine divisions, as follow: The first division to consist of the counties of Hancock, Washington and Lincoln; the second division to consist of the counties of York and Cumberland; the third division to consist of the county of Essex; the fourth division to consist of the counties of Suffolk and Norfolk; the fifth division to consist of the county of Middlesex; the sixth division to consist of the counties of Bristol, Plymouth, Barnstable, Duke's county and Nantucket; the seventh division to consist of the county of Worcester; the eighth division to consist of the county of Hampshire; and the ninth division to consist of the county of Berkshire.

The state of Rhode-Island shall contain three divisions, as follow: The first division to consist of the counties of Newport and Bristol; the second division to consist of the counties of Washington and Kent; and the third division to consist of the county of Providence.

The state of Connecticut shall contain five divisions, as follow: The first division to consist of the counties of Hartford and Tolland; The second division to consist of the counties of New-Haven and Middlesex; the third division to consist of the counties of New-London and Windham; the fourth division to consist of the county of Fairfield; and the fifth division to consist of the county of Litchfield.

The state of Vermont shall contain five divisions, as follow: The first division to consist of the counties of Windham and Windsor; the second division to consist of the counties of Bennington and Rutland; the third division to consist of the counties of Orange and Caladonia; the fourth division to consist of the counties of Addison and Chittendon; and the fifth division to consist of the counties of Franklin, Orleans and Essex.

The state of New-York shall contain nine divisions, as follow: The first division to consist of the counties of Suffolk, Queen's King's and Richmond, the second division to consist of the city and county of New-York; the third division to consist of the counties of West-Chester, Rockland, Orange and Ulster; the fourth division to consist of the counties of Dutchess and Columbia; the fifth division to consist of the counties of Rensselaer and Schoharie, and the city and county of Albany; the sixth division to consist of the counties of Washington, Clinton and Saratoga; the seventh division to consist of the counties of Montgomery, Oneida and Herkimer; the eighth division to consist of the counties of Delaware, Otsego and Che-